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Agency of Human Services

January 9, 2006

Ms. Elizabeth Dycus
Chair
Vermont Board of Health
Burlington, Vermont

Dear Ms. Dycus:

Pursuant to the Board's action on December 14, 2005 in granting a conditional license to Vermont State Hospital, I am writing to provide the first update to the Board on the State's negotiations with the Department of Justice. We await the communication, referenced in the Board's draft minutes that will set out for us the other specific reporting conditions that the Board has imposed.

As you know from the presentation to the Board on December 7 by Assistant Attorney General Wendy Beininger, the parties involved in the negotiations have met twice and the attorneys have had numerous other contacts since last summer. I think it's fair to say that substantial agreement was reached during the meetings, and the subsequent efforts have been focused on coming up with a document that accurately reflects that agreement.

On December 7, we predicted that a memorandum of agreement could be finalized and made public as early as this month, and that still appears to be possible, although we are not sure of the time requirements for the Department of Justice's internal approval process. We basically think we have a workable draft agreement of approximately 16 pages and that final approval by both parties is at hand.

We cannot provide the Board with any insight at this time as to how the Department of Justice will choose to assure compliance with respect to possible involvement of the court system. We intend to continue aggressively addressing the problems that we expect will be referenced in the memorandum of agreement.

Sincerely,



Paul Blake
Deputy Commissioner for Mental Health

cc: Vermont Board of Health
Terry Rowe, Vermont State Hospital